

ORDINANCE NO. O-2022-36

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE CALLING A SPECIAL ELECTION IN BENTON COUNTY, ARKANSAS ON THE QUESTION OF LEVYING A COUNTY-WIDE ONE-FOURTH OF ONE PERCENT (0.25%) SALES AND USE TAX; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the Quorum Court of Benton County, Arkansas (the "County") has passed on August 25th, 2022, Ordinance No. O-2022-35 (the "Tax Ordinance") providing for the levy of a 0.25% sales and use tax within the County (the "Sales and Use Tax"); and

WHEREAS, the purpose of this Ordinance is to call a special election on the question of the levy of the Sales and Use Tax;

NOW, THEREFORE, BE IT ORDAINED by the Quorum Court of Benton County, Arkansas:

Article 1. There is hereby called a special election to be held on November 8, 2022, at which election there shall be submitted to the electors of the County the question of the levy of the Sales and Use Tax.

Article 2. The question of levying the Sales and Use Tax shall be placed on the ballot for the election in substantially the following form:

**0.25% SALES AND USE TAX FOR JAIL
AND LAW ENFORCEMENT PURPOSES**

Adoption of a 0.25% local sales and use tax within Benton County, the net collections of which remaining after deduction of the administrative charges of the State of Arkansas and required rebates will be distributed only to the County and used for one or more of the following: (a) to acquire, construct, improve, renovate, expand, equip, furnish, operate, staff and maintain all jail and law enforcement facilities and operations, and any facilities or improvements related thereto or in support thereof and (b) to pay and secure the repayment of bonds approved by the voters and issued by the County from time to time to finance jail and law enforcement facilities and any facilities or improvements related thereto or in support thereof. The levy of the tax is not dependent on any bonds being approved or issued.

FOR..... ☐

AGAINST ☐

Article 3. The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for county elections and only qualified voters of the County shall have the right to vote at the election.

Article 4. The results of the election shall be proclaimed by the County Court, and such Proclamation shall be published one time in a newspaper published in the County and having a general circulation therein, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.

Article 5. A copy of this Ordinance shall be (a) filed with the Benton County Clerk at least 70 days prior to the election date and (b) given to the Benton County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance and the Tax Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

Article 6. The County Judge and County Clerk, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the levy of the Sales and Use Tax is approved by the electors, to cause the Sales and Use Tax to be collected, and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

Article 7. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Article 8. The provisions of this Ordinance are separable and if an article, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of the Ordinance.

ADOPTED: August 25, 2022.

APPROVED:

/s/ Barry Moehring

BARRY MOEHRING, COUNTY JUDGE

DATE SIGNED: 08-25-2022

ATTEST:

/s/ Betsy Harrell

BETSY HARRELL, COUNTY CLERK

SPONSOR: JP Joel Jones

DATE ADOPTED: August 25, 2022

Votes For: 14 Votes Against:

Abstain: Present: Absent: 1